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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,565	03/29/2004	Pierre Bonnat	5769P008	3674

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EXAMINER	
NGUYEN, PHU K	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,565	BONNAT, PIERRE	
	Examiner	Art Unit	
	Phu K. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) *10-13 and 17-34* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,14-16,35 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/14/04&3/9/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 14-26, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over TSUJIMURA et al. (JP 10320108).

As per claim 1, and similar claim 14, Tsujimura teaches the claimed "device to provide a pressure current input to a computer system", the device including: "a first module having a sensor, the sensor operationally to detect the pressure current input provided by a user and to convert the pressure current input into an electric signal" (Tsujimura, sensor 7 including the flexible tube 3 generates the atmospheric-electric signal for controlling, section [0006]); "a second module having a signal processing unit, the signal processing unit to process the electric signal" (Tsujimura, signal processing section 13); and "a connecting/supporting means connecting the first module and the second module, the connecting/supporting means being deformable to secure the device to a support and having at least a portion of sufficiently rigidity to support the first module in an input position to detect the pressure current input provided by the user" (Tsujimura, a hat to support the sensor on the user head; figure 1 and the 1st paragraph of section [0006]). Tsujimura does not teach the connecting/supporting means is "flexible arm." However, given Tsujimura's hat for connecting/supporting the sensor and controlling unit, it would have been obvious to a person of ordinary skill in the art to use

a flexible arm in place of the hat because both of them exchangeable provide a similar function and comfortable when attaching the electronic garget in the human head.

Claim 2 adds into claim 1, and similar claim 15, "the pressure current input is a fluid current" (Tsujimura, the sensor 7 is responded to the air flow on the tub 3; the first part of section [0006]).

Claim 3 adds into claim 2, and similar claim 16, "the fluid current is an exhaled breath" (Tsujimura, exhalation trigger; last part of section [0006].

Claim 4 adds into claim 2 "the fluid current is an inhaled breath" (Tsujimura, inhalation trigger; last part of section [0006].

Claim 5 adds into claim 2 "the fluid current is in one or both of gaseous and liquid states" (Tsujimura, the sensor 7 is responded to the air flow on the tub 3; the first part of section [0006]).

Claim 6 adds into claim 1 "the pressure current input is a deformation force" (Tsujimura, the atmospheric current A is changeable according the air flow).

Claim 7 adds into claim 1 "the signal processing unit further includes a processor, a power unit and a data transfer unit" (Tsujimura, the processing section 3 including the power source line, communication line on the cable 2; the first part of the section [0006]). Given Tsujimura's communication cable 2, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless communication to replace the communication cable 2 for the purpose of reducing the space of the device, and further distance of transmission.

Claim 8 adds into claim 1 "the input position is proximal to a chin area of a user" (Tsujimura, the air hole 3 is attached near user's mouth or nose; figure 1).

Claim 9 adds into claim 1 "the connecting/supporting means includes a plurality of wires connecting the first module and the second module" (Tsujimura, cable 2). Tsujimura does not teach the connecting/supporting means is "flexible arm." However, given Tsujimura's hat for connecting/supporting the sensor and controlling unit, it would have been obvious to a person of ordinary skill in the art to use a flexible arm in place of the hat because both of them exchangeable provide a similar function and comfortable when attaching the electronic garget in the human head.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by TSUJIMURA et al. (JP 10320108).

As per claim 35, Tsujimura teaches the claimed "method of manufacturing a device to provide a pressure current input to a computer system", including: "providing a first module having a sensor, the sensor detects the pressure current input and converts the pressure current input into an electric signal" (Tsujimura, sensor 7 including the flexible tube 3 generates the atmospheric-electric signal for controlling, section [0006]); "providing a second module having a signal processing unit, the signal processing unit processes the electric signal generated by the sensor" (Tsujimura, signal processing section 13); and "connecting a flexible member between the first and the second module, the flexible member being deformable to secure the device to a support and having at least a portion of sufficiently rigidity to support the first module in an input position to detect the pressure current input provided by the user" (Tsujimura, a hat to support the sensor on the user head; figure 1; the 1st paragraph of section [0006]).

As per claim 36, and similar claim 14, Tsujimura teaches the claimed "apparatus for providing a pressure current input to a computer system", the apparatus including: "first means for sensing the pressure current input and converting the pressure current input into an electric signal" (Tsujimura, sensor 7 including the flexible tube 3 generates

the atmospheric-electric signal for controlling, section [0006]); "second means for processing the electric signal" (Tsujimura, signal processing section 13); and "third means for electrically connecting the first means and second means, wherein the third means includes means for securing the device to a support" (Tsujimura, a hat to support the sensor on the user head (Tujimura, figure 1; the 1st paragraph of section [0006]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen
June 26, 2006

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